

**HISTORIC PRESERVATION COMMISSION**  
**HEARING MINUTES**

**AUGUST 26, 2010**

<b>Commissioners</b>
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Scott Winnette, Vice Chairman

Timothy Wesolek

Robert Jones

Joshua Russin

Gary Baker

Shawn Burns (not present)

Brian Dylus, Alternate (not present)

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<b>Aldermanic Representative</b>
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Michael O'Connor

<b>Staff</b>
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Emily Paulus, Historic Preservation Planner

Lisa Mroszczyk, Historic Preservation Planner

Scott Waxter, Assistant City Attorney

Nick Colonna, Division Manager of Comprehensive Planning

Shannon Albaugh, HPC Administrative Assistant (not present)

**•I. Call to Order**

Mr. Winnette called the meeting to order at 6:00 P.M. He stated that the technical qualifications of the Commission and the staff are on file with the City of Frederick and are made a part of each and every case before the Commission. He also noted that the Frederick City Historic Preservation Commission uses the Guidelines adopted by the Mayor and Board of Aldermen and the Secretary of the Interior's Standards for Rehabilitation published by the U. S. Department of the Interior, National Park Service, and these Guidelines are made a part of each and every case.

All cases were duly advertised in the Frederick News Post in accordance with Section 301 of the Land Management Code.

**Announcements**

Mr. Winnette wanted to thank Commission member Tim Daniel, who recently resigned and served almost six years on the Commission as well as served as the Chair.

Mr. Winnette announced that they would hold the elections for Chair and Vice Chair until the hearing scheduled on September 23, 2010.

Mr. Winnette also announced that there would be a Historic Homes Trades Fair on September 11, 2010 from 9 AM until 5 PM at the Schifferstadt Architectural Museum.

## **II. Approval of Minutes**

### **1. August 12, 2010 Hearing / Workshop Minutes**

**Motion:** Gary Baker moved to approve the August 12, 2010 hearing minutes and the August 12, 2010 workshop minutes as written.

**Second:** Josh Russin

**Vote:** 4 - 0

- **II. HPC Business**

**There was no HPC Business.**

## **IV. Consent Items**

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**2. HPC10-302**

**245 W. Patrick Street**

**Lori Rice**

Install wrought iron railing at side entrance  
**Presgraves, agent**

**Raejean**

*Lisa Mroszczyk*

There was no motion or second made.

**Vote: 4 - 0**

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•V.      **Cases to be Heard**

**3. HPC09-407**  
**Landis-Bogush**

**23 S. Market Street**

**Kathryn**

Replace Vitrolite glass panel

*Lisa Mroszczyk*

### **Staff Presentation**

Ms. Mroszczyk entered the entire staff report into the record and stated that this application concerns the installation of multiple pieces of framed midnight blue Vitrolite glass with etching in the center panel at the location of a single panel that is currently missing.

### **Applicant Presentation**

Kathryn Landis-Bogush, the applicant, stated that she would be willing to compromise a little bit but she was concerned with what staff recommended. She went

on to say that everything is solid glass and because she didn't have a solid piece she was trying to think of something that would be presentable. She asked if instead of doing two vertical pieces there could they could make the piece on the bottom a larger piece of metal so it would still have a horizontal line. She added that she had to make up for the 3 inches that she does not have of the glass.

**Public Comment - There was no public comment.**

### **Commission Discussion Questioning**

Mr. Jones asked what the likelihood of her getting a full piece of glass. Ms. Landis-Bogush answered that the glass is something that just is not available anymore.

Mr. Winnette asked how developed her idea was for the metal strip as far as the finish of the metal. She answered that she would stay with the finish of the metal that is there. Mr. Winnette added that if she is altering that line she may need to wrap it around the corner.

Mr. Winnette stated that the applicant could choose to get a vote that evening or ask for a continuance or go to workshop for an opportunity to discuss with staff some of the ideas. Ms. Landis-Bogush stated that she would like to continue the case so it could be discussed at a workshop following the hearing.

### **Staff Recommendation**

Staff recommends denial of the application because introduction of additional framing elements within this storefront detracts from its distinctive historic and architectural character as described in this report.

**Motion:** Josh Russin moved to continue this case until the hearing scheduled on September 9, 2010.

**Second:** Gary Baker

**Vote:** 4 - 0

**4. HPC10-203                      38 E. Patrick Street                      Jon Harden**

Paint sign on side of building with associated mural  
**Norman, agent                      Kara**

*Emily Paulus*

Mr. Winnette announced that the applicant had requested the case be continued until the hearing scheduled on September 9, 2010.

**Motion:** Gary Baker moved to continue this case until the next scheduled hearing on September 9, 2010.

**Second:** Josh Russin

**Vote:** 4 - 0

**5. HPC10-206                      134 W. 3<sup>rd</sup> Street                      Edwards**  
**Simpkins**

Repoint brick and apply limewash paint  
**agent                      Bill Castle,**

*Emily Paulus*

### **Staff Presentation**

Ms. Paulus entered the entire staff report into the record and stated that the applicant is seeking post-construction approval for the application of limewash to a previously unpainted contributing duplex. The limewash was applied to the first two floors of the building's west elevation. It is the applicant's intent to apply the limewash to the remaining areas of the west elevation; the color would remain white.

The application also seeks approval to repoint the upper floor of the west elevation, where the applicant states that moisture is seeping through the masonry. Type K mortar (1 part cement to 3 parts lime to 10 parts sand) is proposed.

### **Applicant Presentation**

Bill Castle, representing the applicant, stated that it was unfortunate that every voting member could not be at the site because he thought it was an educational experience. He added that he went back to look at the Guidelines that were published and he found no reason that the applicant home owner was not within the Historic Guidelines to remove the peeling paint over the last 15-20 years and recoat the surface to protect it. He went on to say that the staff report stated it would remain white and he testified at the last hearing that the idea is to have it tinted green so it would be green instead of white. He thought the applicant was well within his rights to limewash what was previously painted and he found nothing in the Guidelines that state how long between removing peeling paint and coating it with a protective covering. The bricks that are on the west side of the building are consistently old bricks and the litmus test for old bricks is the size, they are primarily 8¾" bricks which were manufactured well before 100 years ago so the bricks are about 150 years old. Mr. Castle stated that one of the reasons you do not see severe deterioration is because the whole property at some point was limewashed or whitewashed.

Mr. Castle then asked Ronnie Manhollan to speak. Mr. Manhollan stated that he has worked in a family owned business for 33 years and he has been doing this type of

work for 26 years. He went on to say that anytime you can protect the brick from the elements it will be better off because of the saturation of the brick; whether it is old or new does not matter. If you can protect the brick from being saturated especially in the winter time then it is not going to deteriorate nearly as quickly as it would if it were untreated. Mr. Castle asked if he had seen evidence of previous whitewashing once the paint had been scraped off. Mr. Manhollan answered that it appeared to be. Mr. Castle asked if it appeared to him that there had been some sandblasting on some of the bricks. Mr. Manhollan answered it appeared to him that it had been sandblasted.

Mr. Castle then asked Mr. John Walter to speak. Mr. Walker stated that he was third generation brick and stone mason and has been operating out of the same location since 1937. Mr. Castle asked if it appeared to him that the entire structure had been whitewashed previously. Mr. Walter answered that the front of the building had a heavy sandblast so there would be a chance that it had multi layers of paint on it and most likely was limewashed and it wore off and there is residue of paint still in the mortar joints on the brick face. Mr. Castle asked how someone would go about removing the limewash that had been applied by the applicant if he was forced to remove it. Mr. Walter answered that he had read the proposal from Virginia Lime Works about using vinegar. It would take forever to do it that way and wasn't even sure if that was possible. He added that they said something about a mild acid but they did not mention what type of acid to use. Mr. Castle asked if it would be his conclusion that once the masonry work has been properly completed if it were not coating with a limewash that since it was sandblasted it would deteriorate more rapidly. Mr. Walter answered that the applicant would need to replace 10 to 12 damaged bricks with new and take out the patched areas then repoint with the type K mortar that staff suggested and then limewash to seal everything in.

**Public Comment - There was no public comment.**

### **Commission Discussion Questioning**

Mr. Russin asked staff if the building had been painted during the period of significance. Ms. Paulus answered that they could not positively answer that at this point. A 1974 slide is the only documentary evidence they have that the building was previously painted at the west elevation. She agreed that it seemed likely the main block was painted at one time but whether it was originally painted they would never



be able to answer that question. She added that she saw no evidence that the later additions were previously whitewashed. They looked at the limewash layer that was left at the rear elevation on the main block but at the two later additions there is earlier paint on the rear elevation of the 1910 gable roof addition but there did not appear to be any type of limewash or whitewash underneath that paint like there was on the rear elevation of the main block.

Mr. Baker asked if this was more of a legal question with respect to compliance with the Guidelines. Mr. Waxter answered that he was not sure what he meant by that but he said that one of Mr. Castle's statements during his presentation was that the homeowner applicant was the person that took the paint off originally. Mr. Castle said the homeowner removed the paint on all the west section of bricks. Mr. Waxter asked if the current owner had done that. Mr. Castle answered yes the current owner.

Mr. Baker understood that the building had been previously painted and the Guidelines say that previously painted structures can be repainted but he thought there was something in the Guidelines about change in appearance having to go before the Historic Preservation Commission, which they did not do. He added that the point of this is that it had been painted and they removed it bringing it back to it's original state. He was not sure if the Guidelines are specifically detailed enough to focus on the "what ifs". He stated that they all understood the limewash being protective and the covering of brick is always a good thing to do but they also understood that they are here to restore the Historic District and they want to maintain as much of the original integrity of the neighborhood. The applicant took the paint off in hopes of beautifying the building and said that it was beginning to show deterioration, none of which is really relevant at least on the lower levels and the upper levels have (from photographs provided) some deterioration which is very characteristic of upper level brick structures. He said that does not imply that the whole side would need to be covered whether it is a lime based paint or even a stucco parge kind of finish. The point he was trying to make was there were some discrepancies in the Guidelines as to what has occurred.

Mr. Winnette asked Mr. Castle if the applicant's intent when removing the paint was to repaint it. Mr. Castle answered yes and it had been approximately 14 years since he took the paint off and he had testified before that the reason he did not aggressively complete the job was because of health reasons.

Alderman O'Connor asked if they would need to file an application if they wanted to take paint off and reapply a different surface to that. Ms. Paulus answered that to simply paint over an existing layer of paint would not have required HPC approval but to remove the paint to expose the red brick underneath would have.

Mr. Winnette stated that because there was a portion in front that had been sandblasted and does have three coats of limewash on it and the top portion has been sandblasted he was inclined to allow the limewash to protect that brick.

Mr. Russin asked if the Commission could selectively pick which wall could be limewashed. Mr. Waxter answered that they should only be looking at the wall that is on the application which he thought was the wall the bordered Bentz Street. Ms. Paulus added that since there are three different periods of construction on the west elevation they could hypothetically conditionally approve one section but not another on that wall.

Mr. Baker thought they would have approved the main block and not the rest where it shows no deterioration.

Mr. Russin stated that the majority of the buildings in the Historic District are red brick and he asked if they knew how many of the buildings have been painted over the years because they are all in varying conditions and with the bulk of them not painted they have seemed to age quite well. Ms. Paulus answered that the oldest part of this particular property is circa 1870 and as they know there are buildings in the Historic District which are much older then that and have never been painted and the brick is doing just fine, of course with regular maintenance and proper care. She did not see the argument that this particular structure is in danger of deteriorating to a state where there is no point of return. She added that in the most severe cases they have seen of masonry damage and water infiltration where you do have the early soft porous brick the Commission has approved transparent breathable masonry coatings that do keep the majority of the moisture out of the brick.

Mr. Baker stated that there are some bricks that need to be replaced and that can be done without applying any coating on and you would see somewhat of a patch but that would be the character defining features of evolution on the building.

### **Applicant Rebuttal**

Mr. Castle asked Mr. Ronnie Manhollan if he could explain the brick making process to the Commission. Mr. Malhollan stated that when they made brick 100 years ago they would stack the brick in a kiln and they burned a fire so the brick that were closest to the fire got the most heat and ended up being the harder brick. The bricks on the outsides of the kiln got the less heat so they were the softer brick and then all those brick were shipped to any job site to build a house. So you could have a combination of soft and hard brick in any house or structure in Frederick.

### **Staff Recommendation**

Staff recommends denial of the proposal to apply limewash to the buildings west elevation because it would be inconsistent with the Commission Guidelines which state that painting previously unpainted masonry structures will not be approved except in those cases where it will help stabilize deteriorating brick and only with prior Commission approval.

Staff recommends that the Commission approve the repointing of the building's west elevation using Type K mortar and matching the original as closely as possible in terms of composition, color, joint width, and tooling.

### **Repointing of Brick**

**Motion:**        **Scott Winnette moved to approve the repointing of the buildings west elevation using Type K mortar and matching the original as closely as possible in terms of composition, color, joint width, and tooling.**

**Second:**        **Josh Russin**

**Vote:**            **4 - 0**

### **Application of Limewash**

**Motion:** Josh Russin moved to deny the limewash application on the west elevation because there is no clear documentation as to a building of this nature being painted during the period of significance and the limewash is not necessary to help stabilize the deteriorating brick and many other structures in the Historic District of Downtown Frederick are red brick structures in this historically red brick city.

**Second:** Gary Baker

**Vote:** 3 - 1, Robert Jones opposed

**6. HPC10-242**

**111 W. 5<sup>th</sup> Street**

**Janice Martin**

Replace front stoop

*Emily Paulus*

Mr. Winnette announced the applicant asked for this case to be continued until the next scheduled hearing on September 9, 2010

**Motion:** Scott Winnette moved to continue this case until the next scheduled hearing on September 9, 2010

**Second:** Robert Jones

**Vote:** 4 - 0

**7. HPC10-244**

**77 S. Market Street**

**David Lingg**

Replace all windows  
**LLC**

**United Plaza,**

*Lisa Mroszczyk*

Mr. Winnette announced the applicant asked for this case to be continued until the scheduled hearing on October 14, 2010

**Motion:**        **Scott Winnette moved to continue this case until the scheduled hearing on October 14, 2010**

**Second:**       **Josh Russin**

**Vote:**           **4 - 0**

**8. HPC10-285**  
**Frederick**

**Carroll Creek Park**

**City of**

Install sculpture on stone arch bridge  
**Griffin, agent**

**Richard**

*Lisa Mroszczyk*

### **Staff Presentation**

Ms. Mroszczyk entered the entire staff report into the record and stated that this application continues the art plan which was to be submitted as a condition of Level 2

approval for Carroll Creek Park Improvements (HDC 04-483) and concerns the installation of a sculpture centered in the west and east facing walls of the stone arch bridge over Carroll Creek just to the east of Market Street. The sculpture will be fabricated from mild steel and will be painted. At its widest dimensions the sculpture will be 12'-0" feet wide and 9'-9" tall.

### **Applicant Presentation**

Richard Griffin, Director of Economic Development for the City of Frederick and Carroll Creek Park Project Manager, stated that when the design was prepared and approved for the first phase of Carroll Creek Park it was the desire of the Carroll Creek Task Force that public art be included in the fabric of the park. They chose a group named Iron Masters to do the iron bridge by the Delaplaine Art Center and at that time they chose them to design a sculpture for both sides of the stone bridge. The artist and architect for the project worked with the Task Force to develop some ideas. They brought the application forward more than a year ago but there was some confusion at the time in the Guidelines with respect to the role of the HPC in reviewing public art and because of that there has been a lot of conversation between staff and the Mayor and Board of Aldermen. So they were encouraged to bring the application back to the HPC because they thought it met the spirit and intent of the Guidelines while enhancing the park and bridge. The bridge is a very heavy structure and when it was first designed it was intended to be a single arch but for structural reasons the arch was not able to be grounded on either side because of the conduits and needed to be grounded in the middle so that most of the weight of the structure would be in the center. This increased the size of the bridge and it was thought that art would be a way to lighten that structure.

### **Public Comment**

Gil House stated that he has a problem with the actual construction and painting of the item because the iron bridge by the Delaplaine Visual Arts Center has rusted since it is made out of iron which has been touched up and that will be a maintenance issue. He did not think the Commission should approve something that would have a maintenance problem and in four years it would need touched up. He added that there are other pieces of public art in the City of Frederick that are very nice but they do not last. Mr. House went on to say that he was concerned about the Zodiac symbols because it says astrology and there have been problems with the use of the Star of David or a Christian cross on other pieces of public art.

## **Commission Discussion Questioning**

Mr. Russin asked if the clock lit up. Mr. Griffin answered that it was not a lighting clock or digital clock.

Mr. Winnette asked how it was to be mounted to the bridge. Mr. Griffin answered that there would be brackets that come out from the stone so the whole piece sits off of the stone face and they are metal brackets with metal screws. It would be assembled in different pieces and there would be different layers.

Mr. Jones asked how far out the art would come from the bridge. The artist for the project answered the farthest piece would be about two feet.

Mr. Jones asked if the color on the original request was still the palette they were going to execute. Mr. Griffin answered that there would be several different colors of blue to go in it and the intent was for at least one of the blues to match the blue that is in the railing on the bridge.

## **Applicant Rebuttal**

Mr. Griffin thought that Mr. House's point about maintenance is a very good one and all he could say was that throughout the park they have taken extra care to make the entire park, including the metal, as high quality that they can. There will come a time where there will be maintenance required on this and there is maintenance required on some of the other pieces they have had. He stated that you can't not do public art because it requires maintenance. That is something that has to be figured into the care of the park. He added that they have assured him that the zinc treatment that they are going to use as well as the multiple coatings is as good a maintenance free surface as you can put on this type of artwork.

## **Staff Recommendation**

Since it will not damage any historic materials, will not detract from a historic character-defining façade or streetscape and because it complements the existing structure and site design, Staff recommends approval of the installation of two sculptures to be centered on the west and east facing walls at the stone arch bridge over Carroll Creek just to the east of Market Street to be fabricated from mild steel and to be painted with its widest dimensions to be 12'-0" feet by 9'-9".

**Motion:**        **Josh Russin moved to approve the application before them.**

**Second:**       **Gary Baker**

**Vote:**         **4 - 1, Tim Wesolek opposed**

The meeting was adjourned at 8:30 PM.

Respectfully Submitted,

Shannon Albaugh

Administrative Assistant